

**City of Haines
Coastal Management Program
Enforceable Policies**

Effective Dates:

October 22, 1980

Original coastal management program goes into effect.

October 22, 1980

Port Chilkoot/Portage Cove AMSA goes into effect and supplements the Haines Coastal Management Program.

July 22, 1993

Complete revision to the Haines Coastal Management Program takes effect.

November 20, 2000

Minor amendment to the Haines Coastal Management Program takes effect. Amendment revises the coastal zone boundary to include lands annexed in 1999 by the City of Haines. Amendment also deletes most Statewide Standards from the enforceable policies chapter and makes other textual changes.

Coastal Development Policies

A-2 Policy

It shall be a general policy of the Haines District Program to require specific proposals for land and water uses or activities to meet the policies in this chapter before approval.

A-3 Policy

It shall be a general policy of the district to approve specific proposals for uses and activities within areas designated for those uses and activities.

A-4 Water-Dependent and Water-Related Activities

The following land and water uses and activities shall be categorically allowable in approved zoning districts as water-dependent or water-related: fisheries related, public recreation and tourism, recycling, and energy and materials transshipment and storage.

A-5 Dredging and Filling

Projects that require dredging or filling in, or immediately adjacent to, streams, rivers, lakes, wetlands, or saltwater areas including tideflats, shall be located, designed, constructed, and maintained in a manner so as to:

- a. Avoid significant adverse impacts to important fish and wildlife habitat;
- b. Avoid significant interference with fish migration, spawning, and rearing, and with wildlife during critical life history phases;
- c. Limit areas of direct disturbance to as small an area as feasible;
- d. Minimize the amount of waterborne sediment traveling away from the dredge or fill site;
- e. Maintain circulation and drainage patterns in the area of the fill.
- f. Be conducted in compliance with all State and federal regulations.

A-6 Disposal of Dredged Material

- a. Shoreline dredge disposal sites shall not cause significant alteration of important habitats or significant adverse impacts to shoreline processes, such as circulation, sediment transport, coastal erosion, and deposition patterns, and shall be stabilized to prevent erosion and leaching into adjacent waters.
- b. Onshore disposal sites for dredged material shall be contained and stabilized to prevent erosion and leaching into adjacent waters.

- c. Offshore disposal of dredge spoil shall avoid important habitats and be conducted in compliance with state and federal water quality regulations.

A-7 Navigational Obstructions

Structures, pipelines and buoys placed in navigable waters within the district shall be visibly marked and/or constructed, placed, operated and maintained to minimize navigational hazards or obstructions for marine transportation and commercial fishing operations.

A-8 Floating Facilities

The following criteria shall be used by the Haines district in determining whether a floating facility is consistent with the Haines CMP and whether to issue a local permit:

- a. Prior to issuance of the local permit for the siting of the floating facility proof of acquisition of all required and applicable State and federal permits and approvals for the proposed use or activity must be submitted;
- b. The potential conflicts with scenic and recreation areas, historic sites, mariculture sites, fish and wildlife habitat and harvest areas, and use requirements of adjacent private and public tidelands and uplands owners shall be reviewed at a minimum of one advertised public meeting held by the planning commission for that purpose. Adjacent uplands owners have first preference to a tidelands lease under AS 38.05.075 or AS 38.05.850(a). The City of Haines municipal code "Chapter 14.14, Tidelands" regulates "the use and disposal of city-owned tide and contiguous submerged land."
- c. Proof must be submitted that all use agreements and requirements specified within all applicable ordinances of the City of Haines have been met including, but not limited to, use fees and/or lease agreements, and the proper handling of waste products and hazardous materials;
- d. The length of time the facility will be in place and the size and complexity of the facility shall be evaluated with greater scrutiny being directed toward large, long-term, and/or high impact, facilities;

- e. The appropriateness of the proposed site shall be evaluated including but not limited to the exposure to storm and tidal action, security of the anchorage to prevent pulling of the anchor or grounding, hazards to navigation, and the proximity to other floating and fixed facilities;
- f. The owner or operator shall be responsible for promptly removing and properly disposing of the facility and related materials when it is no longer being properly maintained or the lease or permit has expired.

A-9 Erosion

Development and resource extraction activities shall be sited and conducted to minimize accelerated shoreline erosion or significant adverse impacts to shoreline processes. Developers shall retain existing vegetative cover in erosion prone areas to the extent feasible and prudent. In cases where development or other activities lead to removal of vegetation, erosion shall be prevented or, if it occurs, shall be remedied first through stabilizing the area at the conclusion of the activities and then minimized thorough revegetation or by other appropriate erosion control measures.

A-10 Commercial and Subsistence Fishing

To the extent feasible and prudent, all temporary and permanent developments, structures, and facilities in, or immediately adjacent to, marine and estuarine waters shall be sited, constructed and operated in a manner that does not create a hazard or obstruction to commercial and subsistence fishing operations, or cause significant adverse impacts on the established migration patterns of commercial and subsistence fish species.

A-11 Mitigation, General

All land and water use activities shall be planned and conducted to mitigate potentially significant adverse impacts on fish and wildlife populations and their valuable habitats, on commercial, sport and subsistence harvest activities, on air and water quality, and on cultural and recreational resources of local, State or national significance. Mitigation requirements shall be as specified within the most current applicable State and federal laws and regulations and ordinances of the City of Haines.

A-12 Mitigation within Geophysical Hazard Areas

Applicants for uses and activities within designated geophysical hazard areas shall meet the performance standards specified in section "B. Geophysical Hazard Areas" of this chapter.

Administrative Polices (Coastal Development)

A-13 Mitigation, Monitoring, and Compliance Enforcement (Administrative Policy)

State and federal agencies and the coastal district responsible for implementing the program policies through the coastal consistency process should, to the maximum extent feasible and prudent, provide timely monitoring of authorizations, stipulations, and special conditions and necessary compliance enforcement. Additionally, the following mitigation sequence is a goal of the district.

- a. Avoid the loss by not taking a certain action or parts of an action;
- b. Where the loss cannot be avoided, minimize the loss by incorporating measures to reduce the amount or degree of loss;
- c. When the loss cannot be avoided or minimized, restore or rehabilitate the resource that was lost or disturbed to its pre-disturbance condition, to the extent feasible and prudent; or
- d. When loss or damage is substantial and irreversible and the above objectives cannot be achieved, compensate for the resource and/or harvest loss by replacing, enhancing, or providing substitute resources or environments. In the case of loss of habitat production potential, enhancement of other habitats shall be considered as an alternative means of compensation. In general, compensation with similar habitats in the same locality is preferable to compensation with other types of habitat or habitats located elsewhere.

B. Geophysical Hazard Areas Policies

B-1 Alaska CMP Standard (6 AAC 80.050)

- "a. District and State agencies shall identify known geophysical hazard areas and areas of high development potential in which there is a substantial possibility that geophysical hazards may occur.
- b. Development in areas identified under (a) of this section may not be approved by the appropriate State or local authority until siting, design, and construction measure for minimizing property damage and protection against loss of life have been provided."

B-2 Identification of Hazardous Areas

Geophysical hazard areas are identified on the Flood Plain and Hazards Map of the City of Haines which is immediately available from the City upon request. The district program map at the end of this chapter also locates the most important hazards areas. They are 1) Mt. Ripinski, 2) Lutak Highway hazardous slopes areas, 3) the shoreline of Portage Cove, and 4) the floodplain of Sawmill Creek. Additionally, any areas with slopes over 30%, as well as the routes of all natural streams and improved drainages are hazardous areas.

B-3 Management within Hazardous Areas (General)

Hazardous areas shall be managed for the protection of lives and property. Developers shall, to the extent required by the Haines coastal district, be obligated to conduct the surveys and studies needed to determine exactly what siting, design, construction and mitigation measures are needed to meet the objectives of Policy B-1(b) above. The burden of proof shall be on the developer to meet all performance standards required by applicable City ordinances.

B-4 Management within Designated Hazardous Areas

The management guidelines specified below in paragraph a through d shall apply within the following designated hazardous areas.

- a. Mt. Ripinski Hazardous Slopes Area. This area is described as follows:
The area of cliffs, very steep slopes greater than 30%, and the hazardous

zone along the base of these slopes of Mt. Ripinski within the City limits. Management within this area shall be to protect lives and property, to control erosion, and to maintain or enhance the water quality of streams and springs.

- b. Lutak Highway Hazardous Slopes Area. This area is described as follows: The area of cliffs and very steep slopes greater than 30% along the east side of Mt. Ripinski, and immediately upland of the Lutak Highway from the northeast City limits to Oceanview Drive. This area shall be managed to prevent erosion by protecting the natural trees and vegetation on the steep slopes, to maintain or enhance the water quality of streams, and to protect against the loss of life and property.
- c. Portage Cove Shoreline. The U.S. Army Corps of Engineers Flood Hazard Boundary Map, and the City of Haines Flood Plain and Hazards Map indicate that run-up from a seismically induced tsunami, seiche or a high storm surge could adversely effect the Portage Cove shoreline up to 25 feet above mean lower low water (MLLW). This area shall be managed to protect life and property, and to the extent feasible and prudent, to maintain or enhance the quality of the fresh and saltwater wetlands. All residential and commercial construction shall meet the siting and flood proofing requirements of the Federal Emergency Management Agency's National Flood Insurance Program.
- d. Sawmill Creek Flood Plain. This area is described as follows: All geographic depressions, ponds, streams, and improved drainage routes at or near the elevation of Sawmill Creek. These areas are indicated on the City of Haines Flood Plain and Hazards Map. Management in this area shall be to protect property from flood hazards, and to maintain or enhance the water quality and flood bearing capacity of the flood plain.

Administrative Policies (Geophysical Hazard Areas)

B-5 Development on Steep Slopes (Administrative Policy)

The following performance standards should be considered for site preparation and placement of structures, roadways and driveways on slopes exceeding 15%:

- a. For slopes of 15-30%, the area used for development should not exceed 25% of the site:
- b. For slopes of 31% or greater, the area used for development should not exceed 10% of the site.

B-6 Floodways, and Floodplains Development (Administrative Policy)

All uses and activities should be avoided within floodways and floodplains unless the values in these important areas are maintained or enhanced by the use or activity.

C. Recreation and Tourism Policies

C-2 Recreational Use Designation

The following public, and private areas within the City of Haines shall be designated primarily for recreational use.

- a. Tlingit Park and Lookout Park (City owned).
- b. Oslund Park (City owned).
- c. The City owned beaches and tidal pools within the intertidal zone of Portage Cove as follows:
 - 1. Between the City Port Chilkoot Dock and the City Small Boat Harbor;
 - 2. Between the Klukwan Inc. petroleum dock and the City limits at the State Park and Campgrounds; and
 - 3. Beyond the developed areas north of the small boat harbor along the beaches of Portage Cove to the northeast City limits.
- d. The Southeast Alaska State Fairgrounds.

- e. The Fort Seward Parade Grounds (as long as the current public land use agreement between the private owner and the Haines Borough remains in effect).

C-3 Protection of Recreational Values

Projects and activities on public recreation lands and activities on private lands and waters where the landowner has granted formal permission for recreational activities, shall be located, designed, constructed, and operated to minimize adverse impacts to recreation resources and activities, including access.

C-4 Conflicts with Recreation Use

To the extent feasible and prudent, activities which conflict with recreational uses in designated recreation use areas shall be conducted in a manner which minimizes significant adverse impacts to recreation resources and activities, including access.

C-5 Public Access

Public access routes to coastal waters and recreational land shall be maintained and to the extent feasible and prudent, increased when public land is leased, disposed of, or subdivided.

C-6 Open Space Areas

Publicly owned shorelines, beaches and upland areas which are vacant and have high recreation, scenic, wildlife and/or water quality values or are subject to natural hazards for development purposes, shall be considered as public open space or recreation areas until such time as other uses are required by the public interest.

C-7 Easements and Rights-of-Way

Public and private landowners shall identify and maintain easements and public rights-of-way which provide public access to recreation areas and coastal waters.

When access is obstructed by development, comparable or better access shall be provided. In areas where the shoreline and water are easily accessible and usable or where traditional access or use has been established, development shall provide for public access to the shoreline.

Administrative Policies (Recreation and Tourism)

C-8 Parks and Recreation Planning (Administrative Policy)

No specific zoning designations or management requirements exist in Title 18, the Land Development Code, for parks and recreation lands, and vacant public lands (local and State) which comprise around 20% of the land area of the City. City lands currently in use for parks and recreation purposes should be designated within Title 18, The Land Development Code.

D. Energy and Industrial Facilities

D-1 Alaska CMP Standard (6 AAC 80.070)

- "a. Sites suitable for the development of major energy facilities must be identified by districts and the State in cooperation with districts.
- b. The siting and approval of major energy facilities by districts and State agencies must be based, to the extent feasible and prudent, on the following standards:
 - 1. Site facilities so as to minimize adverse environmental and social effects while satisfying industrial requirements;
 - 2. Site facilities so as to be compatible with existing and subsequent adjacent uses and projected community needs;
 - 3. Consolidate facilities;
 - 4. Consider the concurrent use of facilities for public or economic reasons;
 - 5. Cooperate with landowners, developers, and federal agencies in the development of facilities;
 - 6. Select sites with sufficient acreage to allow for reasonable expansion of facilities;

7. Site facilities where existing infrastructure, including roads, docks, and airstrips, is capable of satisfying industrial requirements;
8. Select harbors and shipping routes with least exposure to reefs, shoals, drift ice, and other obstructions;
9. Encourage the use of vessel traffic control and collision avoidance systems;
10. Select sites where development will require minimal site clearing, dredging, and construction in productive habitats;
11. Site facilities so as to minimize the probability, along shipping routes, of spills or other forms of contamination which would affect fishing grounds, spawning grounds, and other biologically productive or vulnerable habitats, including marine mammal rookeries and hauling out grounds and waterfowl nesting areas;
12. Site facilities so that design and construction of those facilities and support infrastructures in coastal areas of Alaska will allow for the free passage and movement of fish and wildlife with due consideration for historic migratory patterns and so that areas of particular scenic, recreational, environmental, or cultural value will be protected;
13. Site facilities in areas of least biological productivity, diversity, and vulnerability and where effluents and spills can be controlled or contained;
14. Site facilities where winds and air currents disperse airborne emissions which cannot be captured before escape into the atmosphere;
15. Select sites in areas which are designated for industrial purposes and where industrial traffic is minimized through population centers; and

16. Select sites where vessel movements will not result in overcrowded harbors or interfere with fishing operations and equipment.
- c. Districts shall consider that the uses authorized by the issuance of State and federal leases for mineral and petroleum resource extraction are uses of State concern."

D-2 Siting of Major Industrial Facilities

The siting and approval of "major industrial facilities" are subject to the Alaska Standards (6 AAC 80.070(b)) quoted above in section D-1 of this policies chapter for "energy" facilities with the following additions: numbers 1-7 and numbers 11-14 of the Alaska standard shall be expanded to encompass "related activities" in addition to "facilities."

D-3 Water Resources

Operators of energy and industrial facilities shall use all necessary measures to prevent contamination of surface and groundwater from wasting, leaking or spilling of any toxic or hazardous substance.

D-4 Navigation and Commercial Fishing

Uses and activities associated with energy and industrial facilities development shall minimize navigational interference and be located or timed to avoid potential damage to fishing gear. Any underwater structures shall be located, designed or protected so as to allow fishing gear to pass over or around without snagging or otherwise damaging the structure or gear.

D-5 Storage of Petroleum Products and Hazardous Substances

Above ground storage tanks for petroleum products and other toxic or hazardous substances shall be located and bermed in accordance with policies in the section "K. Air, Land and Water Quality" policies of this chapter.

Administrative Policies (Energy and Industrial Facilities)

D-6 Emergency Preparedness (Administrative Policy)

Operators of all major energy and industrial facilities should participate in the activities of any Local Emergency Planning District, or in any other emergency preparedness planning efforts which include the City of Haines, to facilitate cooperative oil spill contingency planning, navigational safety planning, and overall emergency preparedness planning.

D-7 Siting Away from Portage Cove (Administrative Policy)

Major energy and industrial facilities should be sited away from Portage Cove to the extent feasible and prudent.

D-8 Alternative Energy (Administrative Policy)

The City encourages the identification and development of appropriately scaled alternative energy sites and facilities within the planning area that conform to the policies contained in this program and all other applicable laws.

E. Transportation and Utilities Policies

E-2 Siting and Operations

Transportation, pipeline, and utility facilities and corridors shall be sited, designed, and operated using the following standards:

- a. Significant adverse impacts to habitats, biological resources, coastal resources and uses, and recreation and traditional subsistence use activities shall be minimized.
- b. To the extent feasible and prudent, transportation and utilities corridors, systems, and facilities shall be consolidated.
- c. Where feasible and prudent, pipelines in the Waterfront District of Portage Cove shall be installed underground (see map).
- d. To the extent feasible and prudent, underwater pipelines shall be buried or shall be designed to allow for the passage of fishing gear, and in known

anchorage areas they shall be designed so as not to snag anchors to prevent loss of anchor gear and damage to the pipeline.

- e. Pipelines and pipeline rights-of-way shall, to the extent feasible and prudent, be sited, designed, constructed, and maintained to avoid important fishing grounds and to minimize risk to fish and wildlife habitats from spills, pipeline breaks, or any operations activities.
- f. Pipeline crossings of fish bearing waters and wetlands important to waterfowl and shorebirds shall incorporate mitigative measures, to the extent feasible and prudent, to minimize significant adverse impacts.
- g. Overhead utility lines shall be visibly marked where necessary to avoid hazard to low flying aircraft.

E-3 Stream Crossings

New or replacement bridges and culverts shall be designed, constructed, and maintained so as to allow passage of the flow of approximate 100 year flood events, and to maintain or enhance fisheries habitat values.

E-4 Marine Transportation

- a. Marine transportation facilities such as ports, harbors and docks shall be designed to the extent feasible and prudent to avoid significant adverse impacts on tideflats and wetland areas and be designed and located so as to minimize obstruction to the established migration patterns of fish.
- b. Solid fill shall be located and designed to maintain water circulation in harbor areas.

Administrative Policies (Transportation and Utilities)

E-5 Maintaining Public Access (Administrative Policy)

Prior to disposal of municipal, State, or federal lands, required public access routes shall be identified and dedicated including access roads and easements, and marine anchorages.

E-6 State Highway (Administrative Policy)

The City should work with the DOT&PF to plan continuing improvements to the State highway and international truck route through Haines.

- a. The intersection at Union Street and Second Avenue requires considerable improvement to allow for a safe and sufficient turning radius and unimpeded through passage of truck traffic.
- b. Drainage improvements are required along Union Street.
- c. An alternate truck route should be investigated which more effectively bypasses the core of the City.
- d. Off highway scenic turnouts and RV parking areas require a cooperative management strategy between DOT&PF and the City.

E-7 Land Transportation Planning (Administrative Policy)

A Land Transportation Plan should be made a part of the Comprehensive Plan. Industrial truck routes, required improvements to existing streets, and extension of new arterials and utilities corridors to serve developing areas of the City should be considered. Topography, soil conditions, drainage, and suitability for consolidated utilities routing should be considered as well as the desirability of traffic patterns that would be established.

E-8 Port Management Plan (Administrative Policy)

The City should consider the establishment of a comprehensive port management plan to promote, manage, and improve the City Lutak Dock facility and Portage Cove facilities. Advantages of improved port management would be enhanced port operational safety and efficiency, and increased services to users of the port.

F. Fish and Seafood Processing Policies

F-2 Suitable Sites

- a. Coastal locations identified as suitable for facilities related to commercial fishing and seafood processing include the Port Chilkoot Dock area, and uplands and tidelands lots adjacent to (and north of) the Small Boat Harbor in Portage Cove. The City Lutak Dock and the City operated floating dock in Letnikof Cove (outside the City) are also suitable sites.
- b. Uplands locations for custom seafood processing and packing facilities may be suitable where they conform with applicable municipal, State and federal laws and regulations.

F-3 Maintenance and Enhancement of Fisheries

Maintenance and enhancement of fisheries resources shall be given high priority in fisheries management and review of uses and activities which might have a significant adverse impact on fisheries habitat, migration routes, or the subsistence and commercial harvest of fish.

F-4 Coastal Development

Coastal development shall incorporate appropriate designs and measures to mitigate potential significant adverse impacts to fisheries resources, habitats, migration patterns and harvest areas.

Administrative Policies (Fish and Seafood Processing)

F-5 Notification of Hazards (Administrative Policy)

In marine and estuarine waters within or adjacent to the City of Haines, operators of any coastal use or activity with potential conflicts or physical obstructions which may impact or preclude commercial fishing, or cause damage to or contaminate fishing gear should provide timely notification to the City of Haines harbormaster as to the type of activity and scheduling.

F-6 Mariculture and Fisheries Development (Administrative Policy)

- a. The City of Haines encourages State approved mariculture and aquatic farming projects and related processing facilities, and will work with developers in identifying suitable sites.

- b. The City encourages the State and Northern Southeast Regional Aquaculture Association to continue with projects to enhance the salmon fisheries in the region for the subsistence, sport, and commercial users.
- c. The City encourages projects and facilities related to fisheries product development and marketing.
- d. Land and water areas identified by ADF&G and the Northern Southeast Regional Aquaculture Association (NSRAA) for fisheries enhancement programs should be managed to be compatible with those programs.
- e. Fish enhancement and stocking projects should adhere to the most current genetics policy of the State of Alaska to maintain the genetic integrity of indigenous fish populations.

G. Timber Harvest and Processing Policies

Note: The following policies apply to those associated activities not preempted by the Alaska Forest Resources and Practices Act.

G-2 Timber Harvest Activities

As no significant commercial stands of timber remain within the Haines city limits, and remaining stands are required for landslide and erosion control and watershed protection, timber harvest activities shall generally be allowed for site clearing and development purposes on private, municipal, State, Mental Health Trust Authority lands (pursuant to Chapter 66 SLA 1991), and University of Alaska lands. Timber harvest and site clearing shall be planned and managed so as to minimize significant adverse impacts on the following:

- a. Fish populations and their habitat;
- b. Public access;
- c. Natural and improved drainage patterns;
- d. Healthy forests by spreading of infestations of forest pests or increasing the hazard of forest fire.

G-3 Timber Processing Activities

Timber processing, storage, and transfer activities shall be located on sites approved by the City of Haines for that purpose and shall be operated, maintained, and closed-out to ensure that no wood waste products create significant adverse impacts on natural streams and drainages, wetlands, tidelands or the marine waters of the district.

Administrative Policies (Timber Harvest and Processing)

G-4 Timber Supply (Administrative Policy)

The City of Haines encourages timely resolution of the Mental Health Trust Lands issue to provide for continued management of timber and all other resource values of the Haines State Forest under the Haines State Forest Management Plan. This will ensure available timber for dimensional lumber mills in Haines as well as supplies of firewood for the residents of the community. The City also encourages the U.S. Forest Service to resolve the timber supply issue within the Tongass National Forest, under the Tongass Timber Reform Act and the Tongass Land Use Management Plan, so that smaller local S.E. Alaska dimensional mills have reasonable access to timber harvest.

H. Mining and Mineral Processing Policies

H-2 Location of Borrow Sites

To the extent feasible and prudent, extraction of sand, gravel and rock shall be permitted in the following order of priority:

- a. Existing, approved upland sand and gravel pits;
- b. Reuse of sand and gravel from abandoned development areas, unless reuse would cause more environmental damage than non-use from the area; and
- c. New upland sites approved for the purpose.

H-3 Operation of Borrow Sites

Sand, gravel and rock borrow sites shall be operated to meet the following standards:

- a. The location and operation of borrow pits shall not interfere with natural drainage routes or shall fully mitigate impacts by establishing equal or better drainage routes in the area of impact which minimize siltation, debris and any other effects of erosion;
- b. Vegetative cover filter strips and buffers for the control of runoff and erosion shall be designed and maintained to minimize impacts on natural drainage, banks, surrounding vegetation, and adjacent property;
- c. Borrow areas inundated by high water shall be diked where required to segregate the work area from active channels and streams, and avoid the entrapment of anadromous fish;
- d. To the extent feasible and prudent, borrow site configurations shall be shaped to blend with physical features and surroundings; and
- e. Close-out of borrow pits shall include the reclamation and restoration required to ensure that anadromous fish will not be entrapped, and siltation and erosion is controlled.
- f. Excavated pits may be converted to fish and wildlife habitat upon recommendation and approval by ADF&G, Habitat and Fisheries Rehabilitation, Enhancement and Development Divisions.

H-4 Operation of Mineral Transport Activities

All pipelines, stockpile and storage locations, transshipment equipment and facilities, and any other related minerals transport uses and activities shall generally be managed under the policies of "A. Coastal Development" and "D. Energy and Industrial Facilities" of this policies chapter. The following additional standards apply:

- a. Equipment storage and operation shall be conducted in a manner that does not release fuel and lubricants into the environment.

- b. All trucking activities within the City limits shall be fully coordinated with the City of Haines for public safety purposes.
- c. Escapement of mineral dust into the environment within the City limits shall be prevented to the extent feasible and prudent.

Administrative Policies (Mining and Mineral Processing)

H-5 Impact Mitigation (Administrative Policy)

The City may require large mineral transshipment operators to complete a socioeconomic and environmental impact analysis of expected positive and negative impacts on the community of Haines and its coastal users and resources. This will allow timely formulation of cooperative agreements for mitigation of expected impacts (see the Chapter V- Implementation of this document for additional recommendations in this regard).

I. Subsistence Policies

I-2 Subsistence Use and Access

Although there are no areas within the Haines coastal management boundaries where subsistence use is the dominant use, customary and traditional access to subsistence use areas shall be maintained to the extent feasible and prudent.

Administrative Policies (Subsistence)

I-3 Impact Mitigation (Administrative Policy)

Where land and water uses and activities may have a significant adverse impact on subsistence or personal use resources and activities, the Haines district should coordinate with affected resource users to identify concerns and to develop appropriate mitigative measures and stipulations for development activities. Reasonable alternative access may be provided to subsistence users for loss of harvest opportunities in traditional areas within the district.

I-4 Protection of Subsistence Harvest Rights (Administrative Policy)

In the rapidly changing legal and regulatory environment surrounding subsistence harvest rights in the State, the City of Haines should aggressively represent the community as a "rural" and "subsistence" population before State and federal agencies, boards and commissions.

J. Habitats Policies

J-2 Wetlands and Anadromous Fish Habitat

Maintenance and enhancement of local, State, and/or federally identified wetlands and anadromous fish habitat shall be given the highest priority when reviewing proposals for land and water uses and activities which may cause significant adverse impacts to wetlands or to the spawning, rearing, migration or overwintering habitats of anadromous fish.

J-3 Protection of Wetlands and Anadromous Fish Habitat

- a. All land and water uses and activities subject to State and/or federal consistency review and permits shall, to the extent required by State and federal laws and regulations, be obligated to conduct the surveys and studies needed to ensure that the siting, design, construction, mitigation, and operations performance standards for habitat protection are met.
- b. All local land and water uses and activities subject only to City of Haines Coastal District review and permits shall mitigate potential significant adverse impacts upon freshwater or saltwater wetlands and anadromous fish habitat as specified in Policy A-11. The burden of proof shall be on the developer to meet all performance standards for mitigation which may include the following:
 1. A local applicant may be required to provide the district with written recommendations from a professional biologist which specify the mitigation measures necessary to avoid significant adverse impacts on officially identified wetlands and anadromous fish habitat.

2. Mitigation measures specified by the district for a local permit, and State and federal agencies (where State and/or federal permits are required), shall become conditions or stipulations to the approval of a local development permit by the district.

J-4 State and Federal Jurisdictional Wetlands and Anadromous Fish Habitat within the District

- a. Federal jurisdictional wetlands within the district have been identified and are shown on the National Wetlands Inventory USGS Map "Skagway A-2" on file in the City Office.
- b. State and federal jurisdictional anadromous fish habitat within the district has been identified as the main stem of Sawmill Creek (system #2002, ADF&G).

J-5 Locally Identified Wetlands and Anadromous Fish Habitats

These habitat management areas incorporate the State and federal jurisdictional habitat identified in J-4 above, and are further identified as follows:

- a. Sawmill Creek Wetlands and Anadromous Fish Habitat Management Area. Management within this area shall be for protection of the flood plain which supports anadromous fish and wildlife habitat. This area is identified on the district program map at the end of this policies chapter and on the City of Haines Flood Plain and Hazards Map and is further described as follows:

That area which includes and extends 50' into the uplands beyond the banks of all anadromous fish streams, anadromous fish drainage channels, anadromous fish ponds, and major topographic depressions which are part of the Sawmill Creek flood plain;

- b. Portage Cove Saltwater Wetlands Management Area. This area shall be managed to protect public safety, to maintain, wherever feasible and prudent the natural vegetation, beaches, tidal pools, and aquatic life bordering Portage Cove, and to maintain the scenic, recreation, and education values along the waterfront. This area is identified on the district program map and is further identified as follows: the intertidal

zone and adjacent uplands within Portage Cove seaward of the Lutak Highway, Front Street, and Beach Road rights-of-way within the Haines district boundaries.

J-6 Habitats of Threatened and Endangered Species

No known critical habitat areas exist within the Haines coastal district boundary; however, several American bald eagle nest sites have been active within the City, and bald eagles are commonly seen throughout the district (the U.S. Fish and Wildlife Service enforces regulation and protection of bald eagles). Steller sea lions, Peregrine falcons, trumpeter swans, and humpback whales are known to migrate throughout the district. No haul-outs for sea mammals exist within the district, there are no known Peregrine falcon or trumpeter swan nests, and humpback whales only rarely and briefly enter the waters within the district (the National Marine Fisheries Service regulates protection of humpback whales and Steller sea lions).

- a. Land and water uses and activities within the district shall avoid harming or disturbing bald eagles or their nest sites in accordance with the Bald Eagle Protection Act (16 USC 668) by timing operations when eagles are not breeding or nesting (generally September 1 to March 1), and/or retaining a buffer of undisturbed natural vegetation around occupied nest trees (generally 330 feet wide).
- b. Humpback whales and Steller sea lions are protected by the federal Mammal Protection Act and Endangered Species Act and disturbance should be kept to a minimum. Humpback whales should be viewed from a distance from boats so as not to disrupt their feeding and migration patterns or cause any significant change in the activity of the animal. Shooting at or near any Steller sea lion is prohibited except for native subsistence uses. Commercial fishermen may use non-lethal and non-injurious means of harassment to deter humpback whales and sea lions from interfering with fishing gear.

J-7 Development Standards

The following additional performance standards apply to development activities in relation to habitats:

- a. Maintenance of Fish Passage and Stream Characteristics. Land and water development activities, facilities, and structures shall be designed, sited, constructed, operated and maintained in a manner which does not impede or interfere with timely access to spawning streams by adult anadromous fish or in-stream movements of juvenile anadromous fish. Existing fish passage problems shall be corrected by the entity responsible for the problem. All cross drainage structure on fish streams, including bridges and culverts shall:
1. Be sited, constructed, and maintained to avoid changes to the direction or velocity of the stream flow;
 2. Be adequately sized to accommodate the best available estimate of the 25 year peak discharge without significantly interfering with the volume, velocity, sediment transport, or substrate characteristics of the stream;
 3. Provide for efficient passage or movement of fish upstream, downstream and in associated aquatic habitats, including wetlands; and
 4. Avoid disturbance of fish spawning habitat.
- b. Geophysical Surveys. Geophysical surveys shall, to the extent feasible and prudent, be located, designed, and conducted to avoid disturbances to fish and wildlife populations, habitats, and harvests. Seasonal restrictions, restrictions on the use of explosives, or restrictions relating to the type of transportation utilized in such operations may be required as necessary to mitigate potential adverse impacts. Geophysical surveys in fresh and marine waters supporting fish or wildlife shall use energy sources such as air-guns, gas exploders, or other sources that have been demonstrated to be harmless to fish and wildlife. The in-water use of explosives for purposes other than geophysical surveys shall be considered on a case by case basis after all steps have been taken to minimize impacts and when no feasible or prudent alternatives exist to meet the public need.
- c. Bank Stabilization. All bank cuts, fills and exposed earthwork adjacent to a wetland or waterbody shall be stabilized to prevent erosion and sedimentation into adjacent waters which may occur during or after

construction. Bank stabilization measures shall be designed and constructed to protect habitat values by including irregular bank contours where appropriate and insuring that nearshore water velocities are not altered.

- d. Water Intake Structures. Water intake pipes used to remove water from anadromous fish waters shall be surrounded by a screened enclosure and velocity shall be limited so as to prevent fish entrainment and impingement.

J-8 Uplands Habitats

To the extent feasible and prudent, upland habitats shall be managed to retain natural drainage patterns and vegetation cover on steep slopes and along shorelines and stream banks to avoid excessive runoff and erosion, protect surface water quality and natural groundwater recharge areas and provide for open space and scenic value. To the extent feasible and prudent, development of building sites and subdivisions will be conducted in such a manner that minimal destruction of mature trees results, while protecting human life and property.

Administrative Policies (Habitats)

J-9 Wetlands (Administrative Policy)

The City of Haines should obtain funding to research and map wetlands in the Sawmill Creek area, and apply for Corps of Engineers General Permits in non-critical wetland areas to reduce wetland permit requirements for individuals. The City should develop a wetlands ordinance to address the subdivision, drainage, and filling of wetland areas for future development.

K. Air, Land, and Water Quality Policies

K-2 Storage of Petroleum Products and Other Hazardous Substances

- a. To the extent feasible and prudent, facilities for the storage, processing, or treatment of petroleum products and other hazardous substances shall not be sited within the 100-year floodplain.

- b. Where petroleum and hazardous materials storage is permitted outside of the 100-year floodplain, buffer zones of not less than 100 feet from ordinary high water shall be required, to the extent feasible and prudent, for separation of these facilities from rivers, streams, wells, wetlands, or marine waters which provide domestic or public water supplies, or support anadromous fish populations, as well as areas of human settlement or use which are highly susceptible to petroleum contamination.
- c. At their discretion, the City of Haines will require the owner/operator of any above-ground petroleum products and hazardous substance storage facilities with tanks of under 10,000 barrels total capacity to verify that all EPA guidelines, and any other State and federal requirements are being met. Verification by a professional engineer hired by the owner/operator will be required. The City will notify the EPA if an enforcement action by the EPA is required.

K-3 Hazardous Materials

Storage, transportation, cleanup, and disposal of hazardous materials, as defined in the Hazardous Materials Transportation Act, shall comply with federal, state, and local laws and regulations. When a quantity of hazardous material meets or exceeds the threshold level set under the Emergency Planning and Community Right-to-Know Act, the City of Haines shall be notified of the type, quantity, mode and schedule of transportation or storage.

K-4 Disposal of Hazardous and Toxic Substances

Hazardous materials, petroleum, or petroleum products, as defined in State and federal regulations, shall not be disposed of in the City unless done so at a facility designed and approved for this purpose.

K-5 Effluents

All effluents in pipes and outfalls discharged into uplands areas, streams, or marine waters shall be treated, as required, so that water quality at the point of discharge at the end of the pipe meets all State and federal water quality standards. Mixing zones or zones of deposit in marine waters may be approved

by DEC under the Alaska Water Quality Standards as short-term variances or by permit.

Administrative Policies (Air, Land, and Water Quality)

K-6 Mixing Zones and Zones of Deposit (Administrative Policy)

The Haines coastal district discourages the use of mixing zones or zones of deposit beyond the end of effluent pipes to the extent that is feasible and prudent.

K-7 Overall Environmental Management Policy (Administrative Policy)

The City may provide overall environmental management through a cooperative agreement with DEC. The primary goal is the prevention of pollution to the air, land, and water rather than controlling pollution after it has been created. This may be accomplished through the adoption of the pollution prevention hierarchy as a local policy such that the following is accomplished:

- a. Pollution is prevented or reduced at the source to the maximum extent possible;
- b. Pollution that cannot be prevented should be recycled in an environmentally safe manner;
- c. Pollution that cannot be prevented or recycled should be treated in an environmentally safe manner; and
- d. Disposal should be employed only as a last resort and should be conducted in an environmentally safe manner.

Cooperative programs may be instituted in all areas of DEC authority to include: Village Safe Water, Safe Drinking Water, Domestic and Industrial Waste Water Treatment, Solid and Hazardous Waste, Water Pollution Prevention, Animal Health and Dairy, Pesticides, Radiation Protection, Underground Storage Tanks, Pollution Prevention (Waste Reduction and Recycling) and the Coastal Management Program.

K-8 Emergency Preparedness Program (Administrative Policy)

A Local Emergency Planning Committee should be formed in Haines and a Local Emergency Planning District (LEPD) to coordinate regional response capabilities between municipal, State, federal and private entities. Coordinated oil spill contingency planning, navigational safety planning, and overall emergency preparedness would be achieved through a LEPD (see Implementation Chapter for implementation recommendations).

L. Historic, Prehistoric, & Archaeological Resources Policies

L-2 Historic and Prehistoric Sites

Prior to permitting proposed development activities, historic and prehistoric sites identified and listed on the Alaska Heritage Resource Inventory will be reviewed by the Department of Natural Resources. The inventory is maintained by the Division of Parks and Outdoor Recreation, Office of History and Archaeology. Where there is potential for undiscovered cultural or historic sites in a project area, a resource survey may be required by the State Historic Preservation Office prior to surface disturbance. Within the Haines coastal district the following historic sites are recorded by the local, State, and/or federal governments.

- a. Fort William H. Seward, listed on the National Historic Register as a National Historic Landmark, has a "Significant Structures Area" (SSA) designated within Title 18, The City of Haines Land Development Code. All development activities within the SSA district are managed as required by Title 18.
- b. The Haines Townsite Local Historic District is defined by the boundary lines established in the original 1913 Haines Townsite Survey and is established in Title 18 as a local historic district. Within the historic townsite, 35 structures have been inventoried by the Division of Parks and Outdoor Recreation, Office of History and Archaeology. Management of development within the historic townsite is established in Title 18 under the "General Business" and "Residential" zoning districts. The Deishu Village site is also within the historic district.

- c. Tlingit Park and historic cemetery are managed as a parks and recreation and historical preservation area. Tlingit Park is within the "Waterfront" district in Title 18.
- d. The Tanani Village Site and Nukdik/Tanani Beach Site are within the area annexed to the City in June, 1993 and are currently not within an official zoning district.

L-3 Protection of Sites

- a. If previously undiscovered artifacts or areas of historic, prehistoric, or archaeological significance are encountered during development activities, the site shall be protected from further disturbance and the State Historic Preservation Office shall immediately be notified to evaluate the site or artifacts.
- b. After consultation with the landowner and the Haines coastal coordinator, the State Historic Preservation Office shall then make a determination as to further actions required on the development site to protect and preserve finds of significance.
- c. When development activities are located in areas designated as significant in local, state, and federal historic registers, and in areas of significant discoveries, mitigation required to the extent feasible and prudent to prevent significant adverse impacts on historic, prehistoric or archaeological resources shall be the responsibility of the developer.

Administrative Policies (Historic, Prehistoric, & Archaeological)

L-4 Historic Preservation Plan (Administrative Policy)

The City should prepare a Local Historic Preservation Plan which specifies desired improvements to historic resources in the district to maintain their character and special values. Included in the plan should be the Tlingit Park historic cemetery, and designated historic buildings within the Haines Townsite Local Historic District and the Fort Seward SSA. Establishing an historic military museum in the old City Fire Hall building in Fort Seward could be pursued along with better utilization of the large barracks building.

**City of Haines
Coastal Management Program
Definitions**

ACMP is the Alaska Coastal Management Program.

ADF&G is the Alaska Department of Fish and Game which administers programs that deal with the fish, wildlife, and habitat resources of the State.

AMSA is an Area Meriting Special Attention as specified in Article 4, 6 AAC 80.158-170.

Avoid means to prevent from occurring.

Coastal water means all water bodies in the coastal area, including wetlands and the intertidal area.

Consistency means compliance with the standards of the ACMP, including the enforceable policies of an approved district coastal program.

Consistent to the maximum extent practicable means that uses, activities and projects directly affecting the coastal zone must be consistent with the ACMP to the fullest degree permitted by law including approved district programs, and federal uses or activities (unless compliance would violate another federal law as per 15 CFR 930.32(a)).

DEC is the Alaska Department of Environmental Conservation which manages the State's air and water quality, solid waste disposal and other environmental programs.

Development means any man-made change to improved or unimproved lands and coastal waters, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling.

DGC is the Division of Governmental Coordination, within the Office of the Governor. It oversees the development of coastal programs and coordinates responses from coastal districts and State agencies on consistency.

District means a coastal resource district as defined in AS 46.40.210(2).

District program means a district coastal management program.

DNR is the Alaska Department of Natural Resources. It is responsible for the inventory and management of all the State's surface and subsurface resources except fish and game, which includes land, waters, tidelands, timber, minerals, oil, and natural gas.

Due Deference means "that deference which is appropriate in the context of the commenter's expertise and area of responsibility, and all the evidence available to support any factual assertions. A coastal resource district whose district program has been incorporated into the ACMP is considered to have expertise in the interpretation and application of its program. If the coordinating agency rejects a stipulation....the coordinating agency shall make a written finding stating the reasons for rejecting the stipulation" (6 AAC 50.120(a)).

Enforceable policy means State and district policies which are legally binding through constitutional provisions, laws, regulations, land use plans, ordinances, or judicial or administrative decisions, by which a state or district exerts control over private and public land and water uses and natural resources in the coastal zone.

Estuary means a semiclosed coastal body of water which has a free connection with the sea and within which seawater is measurably diluted with fresh water derived from land drainage.

Feasible and prudent means consistent with sound engineering practice and not causing environmental, social, or economic problems that outweigh the public benefit to be derived from compliance with the standard which is modified by the term "feasible and prudent."

Floating facility means a raft, houseboat, barge, or vessel whether powered or not, that is moored or anchored in any certain location, excluding the small boat harbor, for a period of 3 days or more, and is not primarily intended for transportation.

Geophysical hazard areas means those areas which present a threat to life or property from geophysical or geological hazards, including flooding, tsunami run-up, storm surge run-up, landslides, snowslides, faults, ice hazards, erosion, and littoral beach processes.

Hazardous substances means an element or compound which, when it enters into or upon the water or subsurface land of the State, presents an imminent and substantial

danger to the public welfare or health or to fish, wildlife, vegetation, or any part of the natural habitat in which they are found, and includes, but is not limited to, poisons, pesticides, acids, caustics, infections or pathological wastes, chemical toilet wastes, radioactive materials, solvents, toxic heavy metals, and oil (a derivative of a liquid hydrocarbon including crude oil, lubricating oil, sludge, oil of a liquid hydrocarbon including crude oil, lubricating oil, sludge, oil refuse, or any other petroleum related product or byproduct.

Important habitats are identified areas which support essential life history requirements of fish or wildlife species. These essential areas encompass one or more of the following: Popping, calving, colonial nesting, spawning, rearing, wintering, migration, important feeding, and haul-out areas; highly productive breeding and nesting areas; sites providing unique population elements including high seasonal use and concentration areas; habitats and use areas regularly associated with threatened or endangered species; unique ecological systems; and areas supporting a large portion of the individuals or species of a fish or wildlife population in the region during specific seasons.

Including means including but not limited to.

Mariculture is the captive or controlled cultivation of aquatic plants, fish, or shellfish in marine and estuarine waters for human consumption.

Major energy facility includes marine service bases and storage depots, pipelines and rights-of-way, drilling rigs and platforms, petroleum or coal separation, treatment, or storage facilities, liquid natural gas plants and energy products, petrochemical plants, refineries and associated facilities, hydroelectric projects, other electric generating plants, facilities, and geothermal facilities. It also means a development of more than local concern carried out in, or in close proximity to, the coastal area and which meets one or more of the following criteria:

1. A facility required to support energy operations for exploration or protection purposes;
2. A facility used to produce, convert, process, or store energy resources or marketable products;
3. A facility used to transfer, transport, import, or export energy resources or marketable products;

4. A facility used for in-state energy use; or
5. A facility used primarily for the manufacture, production, or assembly of equipment, machinery, products, or devices which are involved in any activity described in (1-4) of this paragraph.

Mean lower low water is the average height of all the daily lower low tides recorded over a 19-year tidal cycle period. It is an important tidal reference datum for coastal planning purposes.

Maintain means to provide for continuation of current condition and functions.

Minimize means to select from a comprehensive review of alternatives the option which uses the best available technology to limit or reduce impact to the smallest amount, extent, duration, size, or degree.

Mitigate means to lessen an adverse impact or moderate its severity.

Offshore areas means submerged lands and waters seaward of the coastline.

One hundred year flood means the flood having one percent chance of being equaled or exceeded in any given year and which can be expected to occur on an average of once every 100 years.

Resource agency means the Alaska Department of Fish and Game, the Alaska Department of Natural Resources, and the Alaska Department of Environmental Conservation.

Shall means mandatory and requires a course of action or set of conditions to be achieved.

Should states intent for a course of action or set of conditions to be achieved and implies that case-specific discretion may be applied for achieving the intent of the action.

Significant adverse impact means an impact as indicated in AS 46.40.210(5) of the Alaska Coastal Management Act, that defines a "use of direct and significant impact" as a use, or an activity associated with the use, which proximately contributes to a material

change or alteration in the natural or social characteristics of a part of the State's coastal area and in which:

- a. The use, or activity associated with it, would have a net adverse effect on the quality of the resources of the coastal area;
- b. The use, or activity associated with it, would limit the range of alternative uses of the resources of the coastal area; or
- c. The use would, of itself, constitute a tolerable change or alteration of the resources within the coastal area but which, cumulatively, would have an adverse effect.

Subject uses are the land and water uses and activities which are subject to the district program (as described in section 4.2 of this chapter).

Upland means drainages, aquifers, and land, the use of which would have a direct and significant impact on coastal water.

Uses of state concern has the meaning as specified in section 4.32 of this chapter and AS 46.40.210(6).

Water-dependent means a use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body.

Water-related means a use or activity which is not directly dependent upon access to a water body, but which provides goods or services that are directly associated with water dependence and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered.

Wetlands includes both freshwater and saltwater wetlands; **Freshwater wetlands** means those environments characterized by rooted vegetation which is partially submerged either continuously or periodically by surface freshwater with less than .5 parts per thousand salt content and not exceeding three meters in depth; **"saltwater wetlands"**: means those coastal areas along sheltered shorelines characterized by halophytic hydrophytes and macroalgae extending from extreme low tide to an area above extreme high tide which is influenced by sea spray or tidally induced water table changes.

City of Haines
Coastal Management Program
Boundaries

The Alaska Coastal Management Program boundaries are defined in the 1988 atlas Coastal Zone Boundaries of Alaska (ADF&G, 1988). On page No. 103 of the atlas the Haines Coastal District boundary is specified as the Haines City Limits. The Haines Coastal District boundary is shown in Figure 1 on the Haines CMP District (Corporate Limits) Figure I Map.

The City of Haines is located within the Haines Borough which is in the Southeast Alaska region of the State of Alaska. The map in Figure 2, Location and Land Status locates the Haines Coastal District within the northern region of the Haines Borough.

Federal lands within the Haines Coastal District are excluded from local jurisdiction. Excluded from Alaska's Coastal Zone Boundaries are those lands, owned, leased, held in trust or whose use is otherwise by law, subject solely to the discretion of the Federal Government, its officers or agents (15 CFR 923.3). Activities on these lands are subject to the consistency provisions of Section 307 of the Coastal Zone Management Act of 1972, as amended. Uses and activities are subject to consistency review if the actions are likely to affect any land or water use or natural resource in the coastal zone.